

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ALPHONSO SATCHELL,

Petitioner,

v.

Civil Action No. **3:17CV705**

DETECTIVE VERBENA, *et al.*,

Respondents.

MEMORANDUM OPINION

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a document complaining about his arrest. (ECF No. 1.) Given the content of this document, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).


By Memorandum Order entered on November 30, 2017, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition if he wished to file a petition for a writ of habeas corpus. The Court warned Petitioner that the failure to comply with the terms of the November 30, 2017 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

More than twenty (20) days have elapsed and Petitioner has not completed and returned the § 2254 form. Instead, Petitioner submitted a letter wherein Petitioner acknowledges that he has yet to be sentenced on his state charges and asks if he should

wait until after he is sentenced to file the § 2254 Petition. Petitioner is correct that he cannot file a § 2254 petition until he exhausts all of his state court remedies. Accordingly, the action will be dismissed without prejudice. A certificate of appealability will be denied.

An appropriate Order shall accompany this Memorandum Opinion

Date: 2/1/18
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
United States District Judge